

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

Ent 147089 Bk 210 Pg 183  
Date: 08-MAY-2008 4:04PM  
Fee: \$10.00 Check  
Filed By: WD  
COLLEEN BRINKERHOFF, Recorder  
WAYNE COUNTY  
For: GOVERNOR OF STATE OF UTAH

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Wayne County as it pertains to the highway located in Wayne County known as EAST GATE RESERVOIR ROAD; County Road Number: 99; State Geographic Information Database (SGID) Road Identification Number: RD280383. Total road length is 2.11 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23<sup>rd</sup> day of April, 2008.

By the Governor's Designee

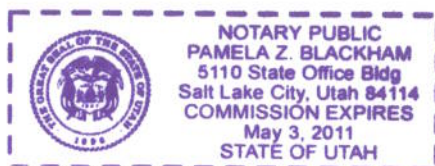
  
\_\_\_\_\_  
John Harja


### CERTIFICATION

State of Utah                     )  
  : ss  
County of Salt Lake            )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 23<sup>rd</sup> day of April, 2008.



  
\_\_\_\_\_  
Notary Public





**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park

**Transportation Network**

- EAST GATE RESERVOIR ROAD
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point

**Wilderness**

- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

Section = 1 Mile

**Map prepared by the State of Utah**  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Mar 24, 2008

**EAST GATE RESERVOIR ROAD - Wayne County**  
**SGID RD\_ID RD280383**

**Page 1 of 1**

**Attachment 1**

**SGID Road Identification Number RD\_ID: RD280383**

Attachment 2



EP280383003



EP280383004



EP280383005



EP280383006

EP000000000

EP000000000

**EAST GATE RESERVOIR ROAD - Wayne County**  
**SGID RD\_ID RD280383**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
March 19, 2008





### **Attachment 3**

#### **Beginning & Ending Points and Township, Range, and Section References For:**

**Popular Name: EAST GATE RESERVOIR ROAD**

**County: Wayne**

**County Road Number: 99**

**State Geographic Information Database (SGID) Road Identification Number: RD280383.**

**Total Road Length: 2.11 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 10 minutes 27.39 seconds North Latitude and -110 degrees 39 minutes 33.33 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,882,103.6 feet and Y = 10,392,544.0 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 10 minutes 01.65 seconds North Latitude and -110 degrees 37 minutes 24.09 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,892,448.2 feet and Y = 10,390,035.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 30 South Range 11 East, Section(s) 25, Salt Lake Base & Meridian  
Township 30 South Range 12 East, Section(s) 29,30, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: EAST GATE RESERVOIR ROAD**

**County: Wayne**

**County Road Number: 99**

**State Geographic Information Database (SGID) Road Identification Number: RD280383.**

**Total Road Length: 2.11 miles more or less.**

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD280383</b>	<b>001</b>	<b>BLM</b>	<b>2.11 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>2.11</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## **Attachment 5**

**AFFIDAVIT OF DENNIS EKKER**  
**EAST GATE RESERVOIR ROAD**  
**WAYNE COUNTY, UTAH**  
**ROAD NUMBER 99**

State of Utah                     )  
  : ss.  
County of Wayne                )

DENNIS EKKER, being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Wayne County, Utah. I have lived in Wayne County for most of the past 73 years.

2.       I have traveled and am familiar with a road in Wayne County known as East Gate Reservoir Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1940s, it followed the same route as in 2007 when I last observed it. Attached is a Wayne County map showing East Gate Reservoir Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3.       I am informed that the County also identifies this road according to the road number listed above.

4.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.



5. Throughout the time period from the late 1940s to 2007, I have used the road myself for prospecting for minerals, hunting and livestock operations.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: government access, oil and gas exploration and tourism and travel in and through the area.

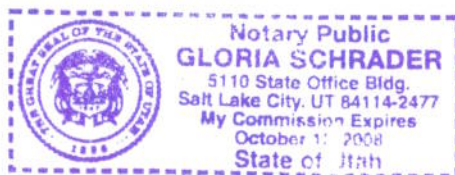
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.


8. Prior to 1976, I observed the graded surface of the road.

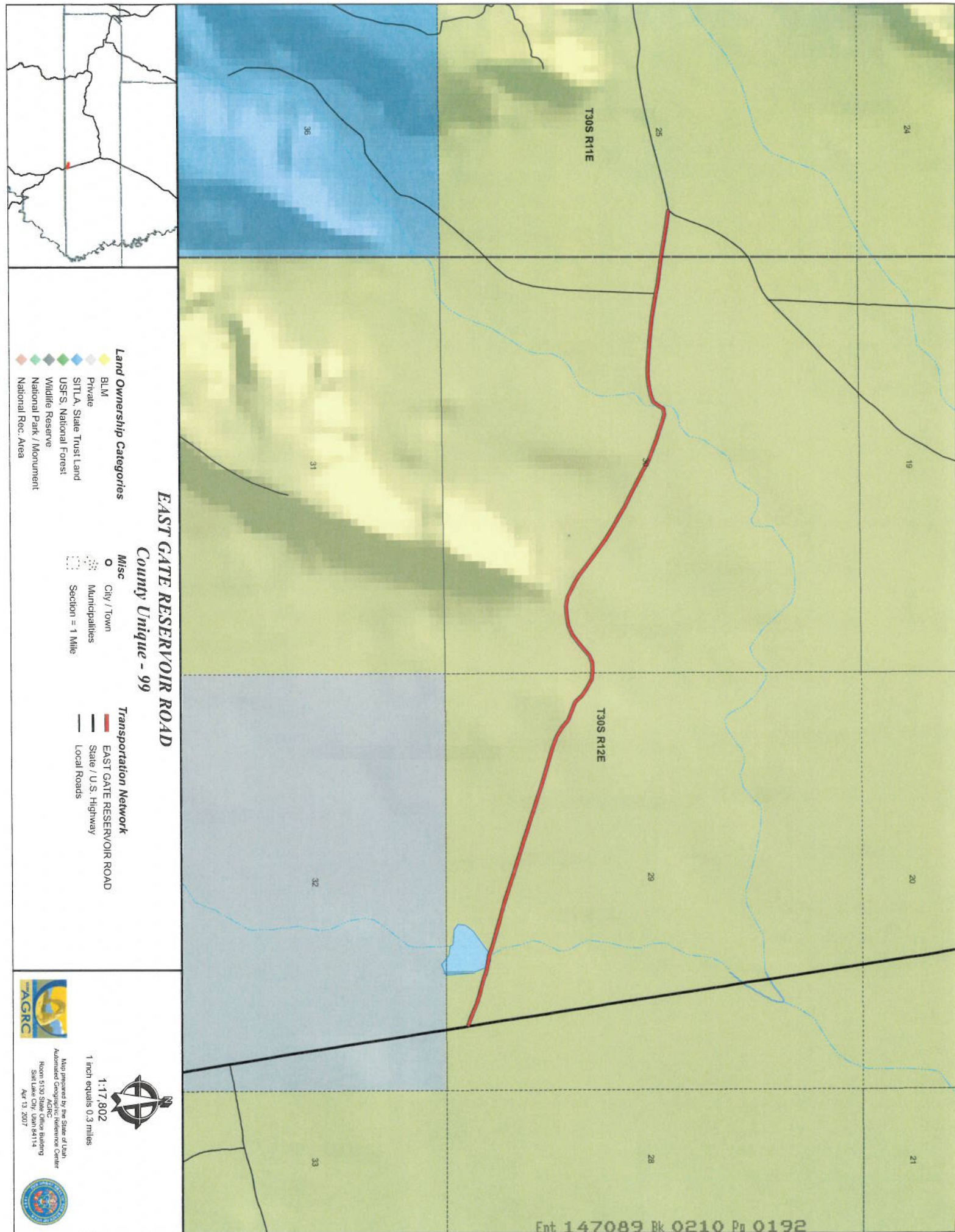
DATED this 19 day of April, 2007.

  
DENNIS EKKER

SUBSCRIBED AND SWORN to before me this 19th day of April, 2007.



  
NOTARY PUBLIC



# **EAST GATE RESERVOIR ROAD**

**County Unique - 99**

## **Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park / Monument
- National Rec. Area

## **Transportation Network**

- EAST GATE RESERVOIR ROAD
- State / U.S. Highway
- Local Roads

## **Misc**

- City / Town
- Municipalities
- Section = 1 Mile



1:17,802  
1 inch equals 0.3 miles



Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Apr 13, 2007



**AFFIDAVIT OF DEAN EKKER**  
**EAST GATE RESERVOIR ROAD**  
**WAYNE COUNTY, UTAH**  
**ROAD NUMBER 99**

State of Utah                     )  
  : ss.  
County of Wayne                )

DEAN EKKER, being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Wayne County, Utah. I have lived in Wayne County for most of the past 69 years.

2.       I have traveled and am familiar with a road in Wayne County known as East Gate Reservoir Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2007 when I last observed it. Attached is a Wayne County map showing East Gate Reservoir Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3.       I am informed that the County also identifies this road according to the road number listed above.

4.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.



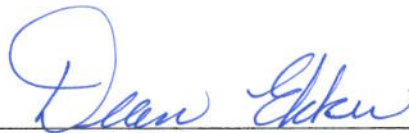
5. Throughout the time period from the early 1950s to 2007, I have used the road myself for trapping, hunting and livestock operations and recreation.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: government access, oil and gas exploration and tourism and travel in and through the area.

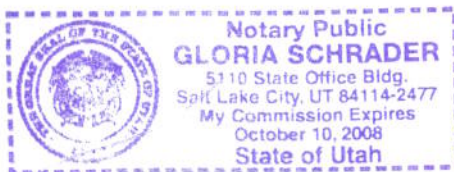
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road.

DATED this 19 day of April, 2007.

  
\_\_\_\_\_  
DEAN EKKER

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of April, 2007.



  
\_\_\_\_\_  
NOTARY PUBLIC



# **EAST GATE RESERVOIR ROAD**

*County Unique - 99*

## **Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park / Monument
- National Rec. Area

## **Misc**

- City / Town
- Municipalities
- Section = 1 Mile

## **Transportation Network**

- EAST GATE RESERVOIR ROAD
- State / U.S. Highway
- Local Roads



Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5100 State Office Building  
Salt Lake City, Utah 84114  
Apr 13, 2007



1:17,802  
1 inch equals 0.3 miles



## Appendix A to Attachment 4

**Popular Name: EAST GATE RESERVOIR ROAD**

**County: Wayne**

**County Road Number: 99**

**State Geographic Information Database (SGID) Road Identification Number: RD280383.**

**Road-Segment Number: 001**

**Road-Segment Length: 2.11 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 30 South Range 11 East, Section(s) 25, Salt Lake Base & Meridian

Township 30 South Range 12 East, Section(s) 29,30, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (EAST GATE RESERVOIR ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 38 degrees 10 minutes 27.39 seconds North Latitude and -110 degrees 39 minutes 33.33 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,882,103.6 feet and Y = 10,392,544.0 feet; thence the following courses along the said road center line:

thence South 83 Degrees 10 Minutes 46 Seconds East	13.2 feet
thence South 82 Degrees 41 Minutes 35 Seconds East	148.7 feet
thence South 79 Degrees 47 Minutes 26 Seconds East	152.9 feet
thence South 81 Degrees 32 Minutes 21 Seconds East	150.8 feet
thence South 81 Degrees 44 Minutes 13 Seconds East	130.3 feet
thence South 81 Degrees 44 Minutes 14 Seconds East	21.7 feet
thence South 82 Degrees 11 Minutes 30 Seconds East	153.5 feet
thence South 82 Degrees 19 Minutes 48 Seconds East	153.8 feet
thence South 80 Degrees 33 Minutes 47 Seconds East	155.2 feet
thence South 80 Degrees 26 Minutes 19 Seconds East	153.2 feet



thence South 81 Degrees 26 Minutes 35 Seconds East	149.1 feet
thence South 83 Degrees 11 Minutes 43 Seconds East	145.9 feet
thence South 85 Degrees 01 Minutes 35 Seconds East	142.7 feet
thence South 84 Degrees 56 Minutes 08 Seconds East	136.8 feet
thence South 85 Degrees 46 Minutes 16 Seconds East	128.7 feet
thence South 87 Degrees 54 Minutes 42 Seconds East	117.9 feet
thence North 86 Degrees 15 Minutes 30 Seconds East	109.5 feet
thence North 81 Degrees 24 Minutes 35 Seconds East	102.5 feet
thence North 77 Degrees 06 Minutes 15 Seconds East	97.9 feet
thence North 69 Degrees 20 Minutes 09 Seconds East	89.6 feet
thence North 39 Degrees 06 Minutes 10 Seconds East	78.6 feet
thence North 31 Degrees 30 Minutes 56 Seconds East	75.3 feet
thence North 81 Degrees 02 Minutes 34 Seconds East	76.4 feet
thence South 73 Degrees 48 Minutes 00 Seconds East	92.4 feet
thence South 71 Degrees 28 Minutes 47 Seconds East	76.3 feet
thence South 71 Degrees 37 Minutes 14 Seconds East	71.7 feet
thence South 74 Degrees 34 Minutes 20 Seconds East	72.6 feet
thence South 70 Degrees 55 Minutes 28 Seconds East	69.2 feet
thence South 68 Degrees 27 Minutes 10 Seconds East	69.7 feet
thence South 69 Degrees 18 Minutes 12 Seconds East	74.2 feet
thence South 67 Degrees 32 Minutes 22 Seconds East	79.7 feet
thence South 64 Degrees 34 Minutes 43 Seconds East	80.1 feet
thence South 61 Degrees 21 Minutes 27 Seconds East	84.8 feet
thence South 63 Degrees 34 Minutes 07 Seconds East	98.5 feet
thence South 62 Degrees 02 Minutes 25 Seconds East	104 feet
thence South 63 Degrees 23 Minutes 44 Seconds East	97.9 feet
thence South 63 Degrees 34 Minutes 07 Seconds East	98.5 feet
thence South 62 Degrees 50 Minutes 34 Seconds East	103.2 feet
thence South 59 Degrees 57 Minutes 52 Seconds East	113.7 feet
thence South 61 Degrees 39 Minutes 14 Seconds East	112.9 feet
thence South 59 Degrees 47 Minutes 15 Seconds East	129.9 feet
thence South 58 Degrees 11 Minutes 36 Seconds East	132.1 feet
thence South 55 Degrees 36 Minutes 33 Seconds East	129.7 feet
thence South 54 Degrees 00 Minutes 57 Seconds East	116.5 feet
thence South 53 Degrees 30 Minutes 05 Seconds East	112.3 feet
thence South 52 Degrees 56 Minutes 52 Seconds East	108.2 feet
thence South 53 Degrees 31 Minutes 13 Seconds East	87.7 feet
thence South 57 Degrees 05 Minutes 52 Seconds East	43.1 feet
thence South 59 Degrees 05 Minutes 43 Seconds East	52.6 feet
thence South 63 Degrees 58 Minutes 00 Seconds East	111 feet
thence South 64 Degrees 24 Minutes 38 Seconds East	112.7 feet
thence South 78 Degrees 34 Minutes 12 Seconds East	113 feet
thence North 85 Degrees 04 Minutes 21 Seconds East	122.2 feet
thence North 80 Degrees 00 Minutes 50 Seconds East	126.9 feet
thence North 65 Degrees 18 Minutes 53 Seconds East	123.2 feet
thence North 53 Degrees 48 Minutes 10 Seconds East	123.2 feet
thence North 47 Degrees 41 Minutes 46 Seconds East	115.3 feet
thence North 51 Degrees 08 Minutes 50 Seconds East	105.3 feet
thence North 65 Degrees 15 Minutes 05 Seconds East	91.2 feet

thence North 87 Degrees 03 Minutes 10 Seconds East 106.8 feet  
 thence South 83 Degrees 08 Minutes 04 Seconds East 29 feet  
 thence South 83 Degrees 08 Minutes 06 Seconds East 76.2 feet  
 thence South 63 Degrees 44 Minutes 21 Seconds East 135.8 feet  
 thence South 56 Degrees 42 Minutes 43 Seconds East 106.8 feet  
 thence South 43 Degrees 53 Minutes 28 Seconds East 122.3 feet  
 thence South 67 Degrees 26 Minutes 54 Seconds East 122.5 feet  
 thence South 69 Degrees 58 Minutes 52 Seconds East 122.8 feet  
 thence South 50 Degrees 29 Minutes 55 Seconds East 123 feet  
 thence South 57 Degrees 41 Minutes 24 Seconds East 130.9 feet  
 thence South 70 Degrees 33 Minutes 38 Seconds East 140.9 feet  
 thence South 73 Degrees 39 Minutes 19 Seconds East 143.2 feet  
 thence South 73 Degrees 55 Minutes 46 Seconds East 144.4 feet  
 thence South 73 Degrees 53 Minutes 59 Seconds East 140.6 feet  
 thence South 73 Degrees 01 Minutes 53 Seconds East 138.2 feet  
 thence South 72 Degrees 23 Minutes 02 Seconds East 138.7 feet  
 thence South 73 Degrees 44 Minutes 11 Seconds East 137 feet  
 thence South 72 Degrees 05 Minutes 08 Seconds East 137.5 feet  
 thence South 72 Degrees 52 Minutes 06 Seconds East 136.9 feet  
 thence South 72 Degrees 20 Minutes 32 Seconds East 138.4 feet  
 thence South 73 Degrees 50 Minutes 18 Seconds East 138.9 feet  
 thence South 72 Degrees 54 Minutes 34 Seconds East 137.2 feet  
 thence South 72 Degrees 44 Minutes 38 Seconds East 136 feet  
 thence South 72 Degrees 02 Minutes 38 Seconds East 136.2 feet  
 thence South 72 Degrees 19 Minutes 01 Seconds East 132.9 feet  
 thence South 73 Degrees 33 Minutes 00 Seconds East 130.9 feet  
 thence South 74 Degrees 51 Minutes 29 Seconds East 129.4 feet  
 thence South 75 Degrees 14 Minutes 09 Seconds East 132.6 feet  
 thence South 73 Degrees 34 Minutes 35 Seconds East 125.4 feet  
 thence South 74 Degrees 06 Minutes 17 Seconds East 111.8 feet  
 thence South 72 Degrees 50 Minutes 10 Seconds East 98.4 feet  
 thence South 71 Degrees 41 Minutes 12 Seconds East 97.7 feet  
 thence South 80 Degrees 33 Minutes 17 Seconds East 96.9 feet  
 thence South 80 Degrees 24 Minutes 00 Seconds East 84 feet  
 thence South 73 Degrees 07 Minutes 42 Seconds East 56.7 feet  
 thence South 70 Degrees 17 Minutes 26 Seconds East 52.7 feet  
 thence South 74 Degrees 41 Minutes 18 Seconds East 109.7 feet  
 thence South 75 Degrees 21 Minutes 46 Seconds East 120.9 feet  
 thence South 72 Degrees 36 Minutes 14 Seconds East 113.3 feet  
 thence South 68 Degrees 44 Minutes 27 Seconds East 102.7 feet  
 thence South 66 Degrees 11 Minutes 50 Seconds East 92.4 feet  
 thence South 71 Degrees 37 Minutes 14 Seconds East 71.7 feet  
 thence South 77 Degrees 09 Minutes 12 Seconds East 36.1 feet more or less to **the ending**

**point at:** 38 degrees 10 minutes 01.65 seconds North Latitude and -110 degrees 37 minutes 24.09 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,892,448.2 feet and Y = 10,390,035.7 feet.